THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.15549 OF 2007

Dated 28-08-2007

Between:

Maniklal Agarwal .... Petitioner

And

Commercial Tax Officer and
Four others ... Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.15549 OF 2007

O R D E R *(Per the Hon'ble Sri Justice Bilal Nazki):*

This writ petition has been filed alleging that the respondents were not giving credit to the amounts paid by the petitioner towards Counter Valuing Duty (CVD) at the rate of 4% on all imported goods at the time of importing the goods for the period from 01-09-2006 to 31-03-2007. Therefore, a prayer is made that the respondents should be directed to give the credit.

Learned Special Standing Counsel for Commercial Taxes, on instructions, submits that no proof was given to the respondents that tax had been paid for the goods imported for the relevant period. Even in the returns, no such claim was ever made for the months of September, 2006 till March, 2007.

Whether such a claim is made in the returns or not, but if the fact is that the tax has been paid at the rate of 4%, that should be given credit to. The petitioner has not produced any proof even in this Court whether he has paid such a tax. Therefore, we dispose of this writ petition giving liberty to the petitioner to approach the respondents, within a period of 15 days, with the proof of having paid the tax. If the proof is produced before the respondents, they may pass appropriate orders. No order as to costs.

_____

Bilal Nazki, J

Dated 28th August, 2007

_____

S.Ananda Reddy, J

-

vrn